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PATENT

S/N 09/787,377

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant:	VAN AMELSVOORT	Examiner:	B. JOHNSON
Serial No.:	09/787,377	Group Art Unit:	3634
Filed:	AUGUST 31, 2001	Docket No.:	9424.147USWO
Title:	WINDOW BLIND FOR DECORATION AND SUN PROTECTION		

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on May 24, 2004.

By: _____
Name: Lisa Hill

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552
PATENT TRADEMARK OFFICE

Dear Sir:

This is in response to the Office Action mailed on January 23, 2004. Reconsideration of the application is requested in view of the following remarks.

The present Office Action represents the first time in which DE '190 was officially cited as the basis of a rejection by the Examiner. Therefore, Applicant submits that the "final" status of the present Office Action is improper and requests withdrawal of the final status. Applicant submits herewith a Petition under 37 C.F.R. 1.181 related to the prematureness of the current final rejection.

Claim 20, 21, 23-27 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatenbable over DE 19537190. Applicant respectfully traverses this rejection.

Applicant submits herewith an English translation of DE '190 along with a Form 1449 for the Examiner's review. Applicant will reference the English translation of DE '190 in the following comments.

DE '190 discloses in Figures 1 and 2 a slat 10 that has an upper part 12 and a lower part 14. The upper part 12 of the slats 10 consists of a material strip 20 provided with a multiplicity of perforations 18. The lower part 14 includes a material strip 22 without holes. See page 4, lines 13-20. When in a closed position, the lower part 14 of the slats 10 to a large extent reflects the sunlight 28 incident from outside (see Figure 2), while the upper part 12 of the slats 10, as indicated at 30, allows a part of the sun rays 28 to pass into the interior space. The penetrating rays 30 are above the head level, at least adjacent the window, where in the example a screen/workplace 32 is situated, and hence do not entail any disturbance of the workplace but do afford a natural lighting of the room as a whole. See page 5, lines 15-22.

DE '190 fails to disclose or suggest "the first face transmits substantially no light and the second face subdues incident light..., the first face being located above the second face," as required by claim 20. DE '190 also fails to disclose or suggest a plurality of vertically oriented slats "wherein when the slats are in the closed position, the slats define a first face extending across a width of the blind and a second face extending across the width of the blind at a position vertically below the first face, and each slat includes a first portion aligned with the first face and configured to transmit substantially no light to the blind while providing substantially no visibility through the blind, and a second portion aligned with the second face and configured to partially transmit light through the blind while providing visibility through the blind," as required by claim 29.

DE '190 must provide some suggestion or motivation for one of ordinary skill in the art referencing DE '190 to come up with the limitations required by claims 20 and 29. Applicant submits that DE '190 fails to provide such a suggestion or motivation, and in contrast actually teaches a way from the limitations of claims 20 and 29.

The stated purpose and object of DE '190 is to provide a blind made up of a plurality of vertical slats that are "light transmissive to a greater extent in the upper region than in the lower region." See page 2, lines 10-11. DE '190 also recites at page 2 beginning at line 15 that, "in the lower region extending preferably approximately as far as the level of the head of the person using the room, a fully or partly closed slat arrangement can be chosen, thereby avoiding the direct solar radiation resulting in contrast light and blinding, unwanted in particular in screen-

workplaces. At the same time, however, in the upper region of the blind, daylight can penetrate into the room, and the depth of the room can be illuminated by natural light."

DE '190 discloses several configurations for providing the desired light transmission in the upper region of the blind. For example, "in the upper region thereof, is perforated, i.e., is provided with a large hole or a multiplicity of smaller holes or slits, through which the daylight can penetrate into the room also when the slat arrangement is closed. In another practical embodiment, the vertical blind slat consists, in the upper region thereof, of a different, or differently treated, material strip then in the lower region ...." See page 3, lines 5-10. In another configuration, "the upper material strip can be formed from a greater or lesser number of bands or cords, and in a particularly simple form the different light transmissivity proposed according to the invention is affected through different coloring." See page 3, lines 15-18. Still further, "the different light transmissivity in the upper and lower region is achieved through stronger reflection in the part of lesser transmissivity, and embodiments in which the part of lesser light transmissivity absorbs the incident light more strongly." See page 3, lines 19-22. In a yet further configuration, "the action aimed for according to the invention can also be accomplished in that the upper part of the vertical blind slats can assume a different closure-position than the lower part." See page 3, lines 23-25. Each of these examples is directed to providing more light transmissivity in the upper region than in the lower region of the vertical slats.

DE '190 fails to disclose or suggest in any way reversal of the light transmissivity properties of the upper and lower regions of the blind slats disclosed therein. In fact, DE '190 provides several examples of the positive effects of the design including, for example, "a further positive effect of divided vertical blind slats is the protection from people looking in. For instance, in banks or general practitioners' offices, the blinds can be closed further than heretofore, to make it more difficult to look in from the outside, or to prevent same." See page 2, lines 25-28. DE '190 fails to suggest that it would be possible to rotate the blind slats to provide a reverse effect of having high light transmissivity or visibility at the bottom portion of the blind and low light transmissivity and low visibility at the top portion of the blind, and also fails to disclose or suggest that the blind configuration disclosed therein could be used to address any other problem or satisfy an other need besides low light transmissivity at the bottom portion of the blind and high light transmissivity at the top portion of the blind. Therefore, Applicant

submits that one skilled in the art reviewing DE '190 would have no suggestion for changing the features disclosed therein to obtain the limitations required by claims 20 and 29 of the present application. It is only through a hindsight analysis in which the limitations of claims 20 and 29 are known that the present rejection has been established. The prior art must provide a motivation or reason for the worker in the art, without the benefit of the appellants specification, to make the necessary changes to the referenced device. See ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351,353 (Bd. Pat. App. & Inter. 1984). (MPEP 2144.04).

In view of the above, Applicant submits that DE '190 fails to disclose or suggest or to provide sufficient motivation for one of ordinary skill in the art to create a blind having the limitations of claim 20 and 29, and the claims that depend from them. Withdrawal of the rejection is respectfully requested.

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over DE '190 and further in view of Levert (US 6,123,137). Applicant respectfully traverses this rejection. As stated above, DE '190 fails to disclose or suggest every limitation of claim 20. Levert fails to remedy the deficiencies of DE '190 as it relates to claim 20. Therefore, claim 22 is allowable for at least the reason it is dependent upon an allowable base claim. Applicant does not otherwise concede the correctness of this rejection.

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicant's representative below at 612.371.5265.

Respectfully submitted,

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Date: May 24, 2004

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